

Remarks:

The present amendment is in response to the first office action dated November 26, 2003 in the above-identified patent application.

In the office action, claims 1-30 were pending and claims 6, 7, 21, and 22 have been amended.

Turning to the substantive rejections over the prior art in the office action page 2, the Examiner rejected claims 6, 7, 21, and 22 under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. The Examiner states that the aforementioned claims contain subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains to make or use the invention. The Examiner stated that in regards to claims 6 and 21, the specification has not adequately defined the structure of the "flow restriction" in the lumen. The Examiner also stated that the specification does not refer to a flow restrictor and that the drawings do not appear to show such a restrictor in the lumen 44. The Examiner also stated that in regards to claims 7 and 22, the specification has not adequately disclosed how the applicator support element 88 is

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removably engaged between the reservoir and the applicator, i.e., the shown support element 88 is internally mounted within the reservoir and does not appear to be removably engaged between the reservoir and the applicator (see paragraph 112, which indicates that the support element which can be removably engaged between the reservoir and the applicator is not shown).

In response claims 6, 7, 21, and 22 are amended.

In regards to claims 6 and 21, an amendment is made to delete "flow restriction" and replace with "a controlled inside diameter" to more directly address the structural modification of the lumen 44 that is operational to control the selected fluid 64 flowrate, with the controlled inside diameter of the lumen 44 controlling the selected fluid 64 flowrate by use of conventional fluid flow and orifice calculations that are ordinary skill in the art. Antecedent support is given in the specification paragraphs 115 and 130 from the sentence, "The flowrate of the selected fluid 64 may be controlled by the non coring cannula lumen 44 that can be sized by a flow restriction through either controlling the inside diameter of the non coring cannula lumen 44 or by the use of an orifice restriction positioned adjacent to and in fluid communication with the non coring cannula lumen 44 using generally known flow restriction and orifice fluid flow calculations depending upon the selected fluid 64 properties such as density, viscosity, and the like".

Further, in regards to claims 7 and 22, an amendment is made to clarify that the applicator support element 88 is removably engagable with the non coring cannula 38 as best shown in Figures 3, 7, 8, 14, 15, and 16, with antecedent support given in claim 1 element (b), claim 16 element (b), and the

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specification paragraphs 100, 112, and 128 from the sentence portion ... "with the applicator support element 88 having a slidable or removable engagement with the penetrating non coring cannula body 38"...


The Examiner had also indicated that claims 1-5, 8-20, and 23-30 are allowed.

Applicant respectfully requests that a timely notice of allowance be issued in this case.

Respectfully submitted,

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